

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JESSICA T. CANNON-PEREZ,

Plaintiff,

v.

MARTIN J. O'MALLEY, et al.,

Defendants.

Case No. [23-cv-05508-DMR](#)

**ORDER GRANTING MOTION TO
REMAND CASE PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(G)**

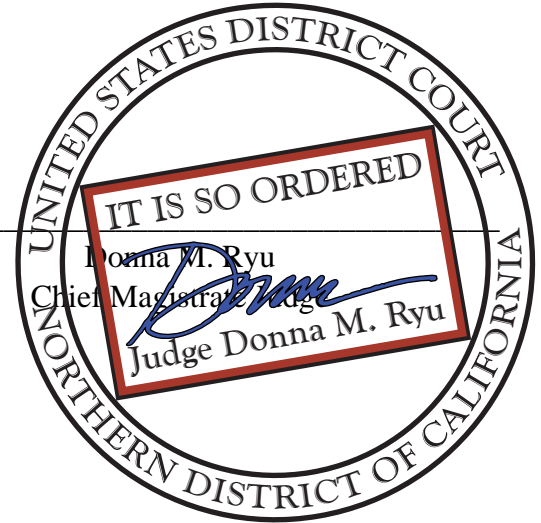
Self-represented Plaintiff Jessica T. Cannon-Perez filed the complaint in October 2023 seeking judicial review of a final decision by Defendant Commissioner of Social Security. On January 10, 2024, Defendant moved for voluntary remand of this case for further administrative proceedings. Specifically, Defendant asks the court to send Plaintiff's case back to an Administrative Law Judge for a new hearing and decision on her claim for benefits, and to enter judgment in Plaintiff's favor reversing the Commissioner's final decision. [Docket No. 7.] After Plaintiff did not respond to Defendant's motion, the court ordered Plaintiff to file a response stating whether she agrees to the relief Defendant requests. [Docket No. 8.] Plaintiff filed a response in which she requests "full back pay . . . starting when [she] first applied for" Social Security benefits. [Docket No. 9.] The court then set a briefing schedule on Defendant's motion to remand. [Docket No. 10.]

Defendant timely filed a brief requesting remand on the ground that the Administrative Law Judge's decision "is not supported by substantial evidence." Defendant argues that remand for further administrative proceedings, instead of an immediate award of benefits, is appropriate under the applicable legal standard. [Docket No. 11.] Plaintiff filed a response in which she appears to acknowledge receipt of Defendant's brief. However, she does not address the

arguments in Defendant's brief or explain why remand for an immediate award of benefits is appropriate. [Docket No. 12.] Accordingly, Defendant's motion for remand is granted. The Commissioner's final decision is reversed and this matter is remanded for further administrative proceedings. The clerk shall enter judgment in Plaintiff's favor and terminate the case.

IT IS SO ORDERED.

Dated: October 31, 2024



United States District Court
Northern District of California